



05-20-09

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IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Serial No. : 10/590,342  
Applicants : Keiji HASUMI et al.  
Filed : August 24, 2006  
For : ANTICANCER AGENT CONTAINING  
BL-ANGIOSTATIN  
Art Unit : 1642  
Docket No. : 06506/HG  
Confirmation No.: 7064  
Customer No.: 01933

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No.: EM 268 108 261 US  
Date of Deposit: May 19, 2009

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 with sufficient postage on the date indicated above and is addressed to:

MAILSTOP: OIPE  
Commissioner for Patents,  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Dorothy DeFrancesco*  
Dorothy DeFrancesco

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

**PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW ERRONEOUS  
HOLDING OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g)**

**ATTENTION: OFFICE OF INITIAL PATENT EXAMINATION ("OIPE")**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

A NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g) (copy enclosed) was mailed by the USPTO on May 14, 2009 in the above-identified patent application. The aforesaid NOTICE provided a two-month term for responding ending on July 14, 2009.

The May 14, 2009 NOTICE alleged that applicants did not timely reply to the Notice to File Missing Parts (Notice) mailed on September 26, 2008.

It is respectfully submitted that the May 14, 2009 NOTICE OF ABANDONMENT was erroneously issued, as supported by the following facts.

In reply to the NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES - Filing Date Granted mailed September 26, 2008, a RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES - FILING DATE GRANTED (hereinafter referred to as the "October 15, 2008 RESPONSE") was mailed to the USPTO with a certificate of mailing via first-class mail on October 15, 2008. The October 15, 2008 RESPONSE was received in the USPTO on October 17, 2008, as evidenced by the documents set forth in the following two paragraphs.

As required by the May 14, 2009 NOTICE, enclosed is a copy of the date-stamped postcard receipt evidencing the receipt by the USPTO of the October 15, 2008 RESPONSE on October 17, 2008 and a true copy of the originally filed RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES - FILING DATE GRANTED mailed to the USPTO on October 15, 2008.

As further evidence of the receipt by the USPTO of the October 15, 2008 RESPONSE, enclosed are copies of (i) the first

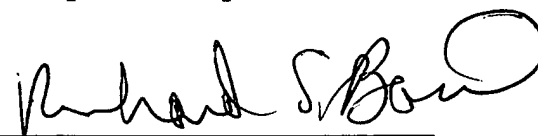
page of the October 15, 2008 RESPONSE having the USPTO OIPE date stamp affixed thereto and (ii) the Bibliographic Data (Image File Wrapper) for the above-identified application obtained from the USPTO website, wherein the entry for "10-17-2008" is "Response to Pre-Exam Sequence Notice" (this is the October 15, 2008 NOTICE).

Under the circumstances as set forth hereinabove, it is respectfully requested that this petition be granted and the holding of abandonment be withdrawn.

According to MPEP 711.03(c), this petition does not require a fee. However, if a fee in connection therewith is deemed to be required, the USPTO is authorized to charge such fee to our account no. 06-1378.

Frishauf, Holtz, Goodman  
& Chick, P.C.  
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New York, NY 10001-7708  
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(212) 319-4551/Ext. 219  
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RSB/ddf

Respectfully submitted,



Richard S. Barth  
Reg. No. 28,180

- Encs.: (1) copy of the May 14, 2009 PTO NOTICE  
(2) copy of the originally filed RESPONSE TO NOTICE  
TO COMPLY WITH PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES - FILING DATE GRANTED dated October 15,  
2008  
(3) copy of the date-stamped postcard receipt  
with the PTO's OIPE date stamp of OCT 17 2008  
thereon  
(4) copy of the first page of the October 15, 2008  
RESPONSE having the USPTO OIPE date stamp affixed  
thereto  
(5) copy of the USPTO Image File Wrapper for the above-  
identified application



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/590,342		Keiji Hasumi	06506/HG

1933

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708



ABANDONMENT/TERMINATION  
LETTER



Date Mailed: 05/14/2009

CONFIRMATION NO. 7064

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/26/2008.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.

/ddwilliams/

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Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101